

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks.

I. Status of the Claims

Claims 44-45, 48-52, 54, 56-57 and 63-68 are currently pending in the application, with claims 44, 51, 63 and 66 being the independent claims. Claims 53 and 55 are canceled without prejudice to or disclaimer of the subject matter therein. Claims 1-43, 46-47 and 58-62 were previously canceled.

Claims 44, 48-50, 54, 56-57, 64-65 and 67-68 are amended.

Claim 44 is amended to correct formalities.

Claims 48, 50, 64 and 67 are amended to delete the term “optionally”.

Claims 49, 65 and 68 are amended to eliminate repetitive language.

Claim 54 is amended to recite a method of preventing, ameliorating or treating tuberculosis induced by *M. tuberculosis* in a subject in need thereof. Support for the amendment to claim 54 may be found throughout the specification as originally filed and in claim 55 as previously presented.

Further, claim 56 is amended to recite a method comprising the step of detecting the presence of a polynucleotide coding for a protein selected from the group consisting of oxidoreductase (Rv0068) (SEQ ID NO: 1) from *M. tuberculosis*, hypothetical protein (Rv3407) (SEQ ID NO: 2) from *M. tuberculosis*, and a fusion protein comprising Rv0068, Rv3407, or a combination of Rv0068 and Rv3407 in the sample. Support for the amendment to claim 56 may be found throughout the originally filed specification, including pages 22-24, and the claims as originally filed.

Finally, claim 57 is amended to delete indefinite language.

These amendments do not add any new matter into the application and their entry is respectfully requested.

II. The Rejections Under 35 U.S.C. § 112, Second Paragraph

The Office Action, at pages 2-5, rejects claims 44-45, 48-50, 52-57, 64-65 and 67-68 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Specifically the Office alleges that (1) the meaning of the phrase "a combination thereof" in claim 44 is allegedly not clear; (2) the metes and bounds of the term "optionally" in claims 48, 50, 64-65 and 67-68 are allegedly unclear; (3) the metes and bounds of the phrase "*M. tuberculosis* induced disease" in claims 54-55 are allegedly not clear; and (4) claims 56 and 57 are allegedly incomplete because the claims do not recite the reagents and steps involved in the method of detection. Applicants respectfully traverse this ground of rejection.

Solely to advance the application to allowance, and not in acquiescence with the rejection, the foregoing cancels claim 55 and amends (1) claim 44 to clearly recite a combination of Rv0068 and Rv3407; (2) claims 48, 50, 64 and 67 by deleting the term "optionally"; (3) claim 54 to recite a method of preventing, ameliorating or treating tuberculosis induced by *M. tuberculosis* in a subject in need thereof; and (4) claim 56 to recite a method comprising the step of detecting the presence of a polynucleotide coding for a protein selected from the group consisting of oxidoreductase (Rv0068) (SEQ ID NO: 1) from *M. tuberculosis*, hypothetical protein (Rv3407) (SEQ ID NO: 2) from *M. tuberculosis*, and a fusion protein comprising Rv0068, Rv3407, or a combination of Rv0068 and Rv3407 in the sample; and claim 56 to specify that the detection is indicative of tuberculosis.

Accordingly, the rejections are moot and the application is now in condition for allowance. Reconsideration and withdrawal of this ground of rejection are therefore respectfully requested and a Notice of Allowance is earnestly solicited.

CONCLUSION

All of the stated grounds of rejection have been properly traversed or rendered moot. Thus, the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date August 21, 2009

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